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VIA ECF AND FAX (212-805-7942)

Hon. Alvin K. Hellerstein
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1050
New York, NY 10007-1312

Re: *Green v Harbach*, 1:17-cv-06984-AKH

Dear Judge Hellerstein:

We are counsel to Defendant Chad Harbach in this case, in which Plaintiff alleges that Defendant's novel *The Art of Fielding* infringed his copyright.

On July 9, 2018, this Court granted Defendant's motion to dismiss, finding that there was no substantial similarity between the works at issue. Dkt. 26. Defendant then brought a motion for attorneys' fees under 17 U.S.C. § 505. Dkt. 34-35. At Plaintiff's request, on August 30 the Court denied this motion, "with leave to renew after the resolution of the appeal currently pending before the Court of Appeals." Dkt. 46. Earlier today, the Second Circuit issued its mandate affirming this Court's decision. Dkt. 48.

We write to request that the Court set a briefing schedule for Defendant's renewed fees motion. The parties have conferred, and we propose that Defendant file that motion on or before March 20, 2019; that Plaintiff file responding papers on or before April 17, 2019; and that Defendant file reply papers on or before May 1, 2019. Plaintiff consents to this schedule.

The parties have previously requested an extension for Defendant's response to the Complaint, Dkt. 8, and a briefing schedule for the motion to dismiss, Dkt. 14. The Court granted both of these requests. Dkt. 9 and 15. There are no other scheduled dates in this matter.

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Thank you for your consideration of this request.

Very truly yours,

Davis Wright Tremaine LLP

/s/ Elizabeth McNamara

Elizabeth McNamara

cc: Plaintiff's counsel (via ECF)